IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 6996 of 2007(G)

PETITIONER:

P.V.JOSE, PAVARATTI,
MANACODY, THRISSUR.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:
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1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, THRISSUR.

2. THE REGIONAL TRANSPORT AUTHORITY, THRISSUR, REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6996/2007 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE TEMPORARY PERMIT APPLICATION DT. 8/2/2007.

EXT.P2. COPY OF THE CHALLAN DT. 5/2/2007.

EXT.P3. COPY OF THE ENDORSEMENT DT. 19/2/2007.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 6996 OF 2007-G

JUDGMENT

The petitioner has submitted Ext.P1 application for temporary permit on the route Kodungallur – Thrissur – Ottappalam, in respect of the vehicle KL-8/AD 2152, in the vacancy of KL-8/AC 5518. The said application was returned by the Secretary, R.T.A., making Ext.P3 endorsement. The said endorsement says that his application is being returned for the reason that the route bus is in tax arrears. The petitioner attacks Ext.P3 and prays for a direction to the 1st respondent Secretary, R.T.A., to receive the application for temporary permit and dispose it of in accordance with law.

2. The learned Government Pleader, upon instructions, submitted that the original permit is no longer in force, for the reason of tax arrears of the vehicle, in respect of which that permit is issued. Since there is no valid permit, there cannot be any grant of substitute temporary permit.

3. When an application for temporary permit is filed, the Secretary has to consider and dispose of the same, taking into account whether there is any temporary need on the route. For operating the service, the petitioner wants the timings of the defaulted service. That suggestion will not make

the application irregular or invalid. Accordingly, the 1st respondent is directed to receive Ext.P1 and pass final orders on it in accordance with law within two weeks from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

23rd March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/